

Memorandum

To: Interested Participants in Appliance Rulemaking,
Docket No. 98-A&B-1

Date : October 1, 1999

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From : **California Energy Commission** Betty Chrisman, Appliance Rulemaking Project Manager
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Subject: **Changes to the Staff's July 30 *Preliminary Draft*:
For Discussion at the October 14 Workshop**

As a result of the discussions at the September 2, 1999 Committee Workshop and our own review, the Staff is now issuing a *Second Preliminary Draft* (SPD) of proposed changes to the Energy Commission's appliance regulations. The SPD, which is contained in this package, contains numerous editorial and clarifying changes. Perhaps the most important change in the SPD is in the first sentence of Section 1603, where testing of "each model" has been changed to testing of "each basic model." There is also a new definition of "basic model," which corresponds to the federal definition in DOE regulations. Staff believes that the changes in the SPD will be non-controversial.

In addition, Staff has prepared the following list of additional items that it is willing to consider changing. The list corresponds to the topics listed in the Notice for the October 14 Workshop. In particular, Staff is willing to recommend to the Efficiency Committee that the Committee adopt all of the changes described in Category 1, which have been suggested by other participants, if all participants agree to the items in Category 2. There is also a Category 3, which is items on which Staff would like further discussion before reaching a position. (Staff is, of course, willing to discuss any of the items in any of the categories, and any additional items, at the workshop.) Page and section references are to the July 30 *Preliminary Draft*. Proposed language is preliminary and is subject to modification for clarification.

Category 1: Items the Staff is Willing to Change, If Category 2 Items Are Accepted

- a. Section 1603, page 18: Approval of testing labs. Eliminate requirement for approval by Executive Director, but keep the substantive requirements in paragraphs (1) – (4). Change "witness any test" to "witness a test once per year."
- b. Section 1603(a), Table A-1, page 19: Test method for commercial refrigerators. Change the footnote in Table A-1 to read as follows:

Type	Initial Average Temperature of all the Test Packages – °F	Maximum Average Temperature of all the Test Packages – °F
<i>Refrigerator–fresh food</i>	38 (1	40
<i>Freezer</i>	0 (1	2
<i>Reach-in wine cooler</i>	45 (1	No requirement
<i>Ice cream cabinet</i>	-5 (1	0

- c. Section 1605(a), page 78: 60-day notice before sale of new model in California. Change to notice when new model begins production.
- d. Section 1605(g), page 81: 10-day notice after sale of model stops in California. Change to notice when model ceases production.
- e. Section 1606(a), page 90: Marking of date of manufacture. Change to require date only on refrigerators, refrigerator-freezers, freezers, air conditioners, space heaters, and water heaters.
- f. Section 1606(a), page 90: Marking on nameplate. Change “nameplate” to “nameplate where the appliance has a nameplate, otherwise an accessible place on the appliance.”
- g. Section 1608(c)(1)-(2), pages 100 – 101: Enforcement testing. For NAECA (but not EPart) products, change as follows. If the mean-of-two-tests approach shows that the model fails to meet the applicable standard, the manufacturer may pay for testing of two more units and compliance is determined using the DOE sampling method (Appendix B to Subpart F of 10 CFR Part 430); if the testing of four total units is not sufficient to provide a result under the DOE method, the manufacturer has the options of (1) accepting failure or (2) paying for testing of all additional units necessary to provide a result under the DOE method. In other words: manufacturer option for mean-of-two-tests or DOE sampling method, if manufacturer pays for all testing beyond the first unit. However, if the mean-of-two-tests approach shows that the model complies with the standard but that its performance is worse than reported by the manufacturer to the Commission, the listed performance of the model in the Commission’s database would be changed appropriately.

Category 2: Items That Participants Have Proposed Be Changed, But That Staff Wants to Stay in Place

- a. Section 1604.1, pages 34 et seq.: Building standards. For NAECA and EPart products, California may enforce efficiency standards that are equivalent to the federal standards and that are contained in the California building code. Clarify building standards section 110(c), page 102, to expressly incorporate by reference the applicable federal standards into the building standards. Clarify appropriate scope of manufacturer certification requirement in section 1607(a)(2)(C), page 94.

- b. Section 1605(a)(3), pages 78 – 79: Data submittal. For NAECA and EPAAct products, California may require manufacturers to submit any data that is generated during federal test method (or that can be calculated from such data).
- c. Section 1605(c), page 80: Review of data submittals. CEC needs a reasonable time to review manufacturer data submittals.
- d. Sections 1601 (scope), 1603 (testing), 1604.1 (standards), 1605 (data submittal): Televisions, wine chillers, and microwave ovens. Maintain testing and data submittal requirements for televisions, wine chillers, and microwave ovens. See below for efficiency standards for wine chillers.

Category 3: Items for Which Staff Wants Additional Discussion

- a. Section 1604.2(a)(1), page 64: Efficiency standard for wine chillers. Eliminate?
- b. Section 1604.2(e), Table E-6, page 67: Efficiency standard for three-phase central furnaces < 225,000 Btu/hour. Provide manufacturer option for AFUE or thermal efficiency standard? Maintain reporting of both results?
- c. Section 1604.2(f)(1), page 68: Efficiency standard for small water heaters that are NAECA-covered but for which there is no federal test method. Eliminate standard and identify appropriate test method?
- d. Section 1606(c), page 91: Marking requirements for EPAAct products. Modify?